

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

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| UNITED STATES OF AMERICA, Plaintiff, vs. KATEY MCGRUDER, Defendant. | 5:23-CR-50096-KES-2 REPORT AND RECOMMENDATION |
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This matter came before the court for a change of plea hearing on May 3, 2024. The Defendant, Katey McGruder, appeared in person and by her counsel, John Rusch, while the United States appeared by its Assistant United States Attorney.

The defendant consented in open court to the change of plea before a United States magistrate judge. This court finds that the defendant's consent was voluntary and upon the advice of counsel. The government also consented to the plea hearing before a magistrate judge. Further, the parties waived their right to object to the report and recommendation.

Defendant has reached a plea agreement wherein she intends to plead guilty to Count 1 of the Indictment which charges her with Distribution of a Controlled Substance Resulting in Death, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C). At the hearing, the defendant was advised of the nature of

the charges to which the defendant would plead guilty and the maximum penalties applicable, specifically: a minimum of twenty (20) years up to life in prison; a \$1,000,000 fine; or both; a minimum of three (3) years up to lifetime supervised release; five (5) additional years' imprisonment if supervised release is revoked; a \$100 special assessment; and restitution.

Upon acceptance of the plea by the court and imposition of sentence, the United States agrees to dismiss the remaining count in the indictment as it pertains to the defendant.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that her plea of guilty to Count 1 of the Indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. The defendant's guilty plea to Count 1 of the Indictment is accepted. It is my report and recommendation that the defendant be adjudged guilty of that offense.

DATED this 3rd day of May, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Daneta Wollmann', is written over a horizontal line.

DANETA WOLLMANN
United States Magistrate Judge